



Senate

General Assembly

File No. 643

February Session, 2008

Substitute Senate Bill No. 307

Senate, April 17, 2008

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING RECOGNITION OF VETERANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 27-73e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Commissioner of Veterans' Affairs in conjunction with the
4 Adjutant General shall award a ribbon and medal to each veteran who
5 served in time of war, as defined in subsection (a) of section 27-103,
6 and who either (1) was a resident of this state at the time he or she was
7 called to active duty for such service, or (2) is domiciled in this state on
8 the date of such award. The commissioner in conjunction with the
9 Adjutant General shall adopt regulations, in accordance with chapter
10 54, setting forth the process for designing the ribbon and medal,
11 identifying veterans who are eligible for the ribbon and medal under
12 this section and establishing procedures for distributing the ribbon and
13 medal to each eligible veteran. The cost of the ribbons and medals shall
14 be paid from the funds appropriated to the military assistance account
15 within the Military Department. [Awards] On or after July 1, 2005,

16 awards under this section may [not] be made posthumously.

17 Sec. 2. Section 27-108 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2008*):

19 (a) Any veteran, as defined in subsection (a) of section 27-103, and
20 who meets active military, naval or air service requirements, as
21 defined by 38 USC 101, may apply for admission to the home; and any
22 such veteran who, from disease, wounds or accident, needs medical or
23 surgical care and treatment or who has become mentally ill and who
24 has no adequate means of support, may be admitted to any hospital
25 and receive necessary food, clothing, care and treatment therein, at the
26 expense of the state, unless other funds or means of payment are
27 available.

28 (b) Any member or former member of the armed forces, as defined
29 in subsection (a) of section 27-103, who is a resident of this state and is
30 entitled to retirement pay under 10 USC Chapter 1223, may apply for
31 admission to the home.

32 [(b)] (c) Any such veteran desiring care or treatment under the
33 provisions of this chapter shall make application under oath to the
34 Commissioner of Veterans' Affairs; but, if, by reason of his or her
35 physical condition, he or she is unable to make such application, some
36 other veteran may make such application in his or her behalf. Said
37 commissioner, or his or her designee, shall have sole power to
38 determine whether such veteran is entitled to admission to the home
39 or to a hospital, and such veteran, if admitted, may, upon application
40 to the commissioner, receive transportation at the expense of the state
41 from his or her place of residence to the home or such hospital. No
42 veteran so admitted shall be discharged from the home except upon
43 the approval of the commissioner or his or her designee. The
44 commissioner shall have sole power to remove any veteran whose care
45 and treatment is paid for by the state from any hospital to another and
46 shall appoint such agents as are necessary to see that veterans
47 admitted to hospitals are receiving necessary food, clothing, care and
48 treatment.

49 [(c)] (d) Such veterans who are able to pay in whole or in part for
50 such program or services, as determined by the applicable fee schedule
51 adopted pursuant to subsection (d) of section 27-102/ of the 2008
52 supplement to the general statutes, shall receive a monthly bill for such
53 services rendered.

54 [(d)] (e) In the event that a bill of a veteran remains unpaid and past
55 due, the chief fiscal officer, with the approval of the commissioner,
56 shall require the veteran to assign his or her right to receive payment
57 of income, from whatever source, to the commissioner until (1) such
58 account is made current, and (2) the veteran demonstrates to the
59 satisfaction of the commissioner a reasonable likelihood of more
60 prudent financial management for the future. Any veteran shall be
61 provided an opportunity for a hearing when an order of assignment is
62 issued.

63 [(e)] (f) Payment of amounts determined by the commissioner as
64 provided by subsection (c) of this section shall be deposited in the
65 institutional general welfare fund of the Veterans' Home established in
66 accordance with sections 4-56 to 4-58, inclusive, and shall be available
67 for expenditure from said fund for the operation of the Veterans'
68 Home in accordance with procedures prescribed by the commissioner
69 and the Comptroller.

70 [(f)] (g) In the event that a veteran dies, still owing money for
71 services rendered, the commissioner, with the aid of the Attorney
72 General's office, may submit a claim against such veteran's estate and
73 any amounts collected shall be deposited in the institutional general
74 welfare fund in accordance with section 4-56.

75 Sec. 3. Section 27-122b of the 2008 supplement to the general statutes
76 is repealed and the following is substituted in lieu thereof (*Effective July*
77 *1, 2008*):

78 (a) As used in this section, "veteran" means any person (1)
79 honorably discharged from, or released under honorable conditions
80 from, active service in the United States Army, Navy, Marine Corps,

81 Air Force or Coast Guard or any women's auxiliary branch thereof,
82 organized pursuant to an Act of Congress; (2) who has completed at
83 least twenty years of service in the Connecticut National Guard; or (3)
84 who was killed in action, or who died as a result of accident or illness
85 sustained while performing active service, in the United States Army,
86 Navy, Marine Corps, Air Force or Coast Guard or any women's
87 auxiliary branch thereof, organized pursuant to an Act of Congress, or
88 in the Connecticut National Guard.

89 (b) (1) Any veteran may, by letter or other communication
90 addressed to the commissioner, or by will, request that upon his or her
91 death his or her body be buried in a veterans' cemetery established
92 pursuant to section 27-122a, or (2) the spouse or other next of kin may
93 apply to the commissioner to have the body of such veteran buried in
94 said veterans' cemetery, and in either case such request shall be
95 granted.

96 (c) (1) Any member or former member of the armed forces, as
97 defined in subsection (a) of section 27-103, who is a resident of this
98 state and is entitled to retirement pay under 10 USC Chapter 1223, or
99 would have been entitled to retirement pay under said chapter, but for
100 the fact that the person is under sixty years of age, may by letter or
101 other communication addressed to the commissioner, or by will,
102 request that his or her body will be buried in said veterans' cemetery,
103 or (2) the spouse or other next of kin may apply to the commissioner to
104 have the body of such veteran buried in said veterans' cemetery, and,
105 in either case, such request shall be granted.

106 [(c)] (d) The spouse of any veteran shall, upon similar request or
107 application made to the commissioner, be buried in said veterans'
108 cemetery provided only one such request or application shall be
109 granted.

110 [(d)] (e) The commissioner shall designate an area in said veterans'
111 cemetery for veterans who, for religious reasons, require burial in a
112 consecrated area.

113 Sec. 4. (NEW) (*Effective July 1, 2008*) The Adjutant General shall issue
114 an achievement ribbon to the soldier, airman and noncommissioned
115 officer of the year in the Connecticut National Guard.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	27-73e
Sec. 2	<i>July 1, 2008</i>	27-108
Sec. 3	<i>July 1, 2008</i>	27-122b
Sec. 4	<i>July 1, 2008</i>	New section

Section 1	<i>from passage</i>	27-73e
Sec. 2	<i>July 1, 2008</i>	27-108
Sec. 3	<i>July 1, 2008</i>	27-122b
Sec. 4	<i>July 1, 2008</i>	New section

VA *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Veterans' Affairs	GF - Cost	Potential Minimal	Potential Minimal
Military Department	GF - Cost	Minimal	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 allows medals/ribbons awarded to eligible veterans to be done so posthumously (on or after July 1, 2005). To the extent that the bill increases the number of medals/ribbons needed beyond the current volume, a minimal cost may be incurred (administrative and/or production costs). However, it is anticipated that this change will not result in a fiscal impact in FY 09. Approximately 13,000 medals have been issued (out of 285,000 that were originally made).

Sections 2 and 3 modify eligibility for admission to the Department of Veterans' Affairs Home and burial in a state veterans' cemetery. To the extent that the newly eligible members apply, this may impact the wait list for admission to the Health Care Facility (current capacity is 125 beds); or increase the demand for residential services in the domicile. Increased access to burial at the State Veterans' Cemeteries is not anticipated to result in an additional cost to the Department of Veterans' Affairs.

Finally, section 4 would require the Adjutant General to issue 3 achievement ribbons each year. It is anticipated that this would cost the Military Department \$2,500 for the design, casting and initial purchase of a box of ribbons, which would be utilized throughout FY 09, FY 10 and the out years.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 307*****AN ACT CONCERNING RECOGNITION OF VETERANS.*****SUMMARY:**

This bill modifies the eligibility criteria for admission to the Veterans' Home. On the one hand, it appears to restrict veterans' admission by linking eligibility to federal criteria. But it also extends eligibility to resident armed forces members and former members entitled to retirement pay under a specified federal law. It also extends eligibility for burial in the state veterans' cemeteries to these members and former members.

The bill removes the ban on the Connecticut National Guard's adjutant general and veterans' affairs commissioner awarding ribbons and medals posthumously to resident wartime veterans, specifically allowing posthumous awards after June 30, 2005.

The bill also requires the adjutant general to issue an achievement ribbon to the soldier, airman, and noncommissioned officer of the year in the guard.

EFFECTIVE DATE: Upon passage for the posthumous awards; July 1, 2008 for the other provisions.

ADMISSION TO VETERANS' HOME

Under current law, any veteran honorably discharged or released from active service in the U.S. Armed Forces may apply for admission to the Veterans' Home (see BACKGROUND). The bill requires that veterans also meet "active military, naval or air service requirements" under federal law as well.

Under federal law, "active military, naval, or air service" includes:

1. active duty (see BACKGROUND);
2. any period of active duty for training during which an individual was disabled or died from a disease or injury incurred or aggravated in line of duty;
3. and any period of inactive duty training during which the individual was disabled or died (a) from an injury incurred or aggravated in the line of duty or (b) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.

The bill also extends eligibility for (1) admission to the home to any former or current armed forces member living in Connecticut who is entitled to retirement pay under a specified federal law and (2) burial in any of the state veterans' cemeteries to such members who are, or would have been, entitled to such pay. Under the referenced federal law, a person is entitled to retirement pay if he or she:

1. is at least age 60;
2. performed at least 20 years of qualifying uniformed service (creditable service);
3. in the case of anyone who completed the 20 years before April 25, 2005, performed the last six years of qualifying service (eight for people who completed their service before October 5, 1994) as a member of a reserve component, but not as a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and
4. is not entitled to retired pay under any other federal law.

Although the bill extends eligibility for admission to the Veterans' Home to former and current armed forces members, it does not amend related statutes that outline (1) application procedures, (2) payment for services, and (3) actions the commissioner takes when a resident cannot pay or dies owing money.

With regard to burial in a state veterans' cemetery, the bill allows the armed forces member or former member to make the burial request to the commissioner by will or other communication. Alternatively, the spouse or next of kin may make the request on the deceased's behalf. The commissioner must grant the request. It appears that the spouse of an armed force member or former member, unlike a veteran's spouse under existing law, does not qualify for such burial.

BACKGROUND

Active Service

State law does not define active service. For purposes of the laws pertaining to the National Guard, federal law defines "active service" as service on active duty or full-time National Guard duty (10 USC § 101 (d)(3)).

Active Duty

State law does not define active duty. For purposes of the laws governing the armed forces, federal law defines "active duty" as:

1. full time duty in the armed forces (other than for active-duty training);
2. full-time duty (other than for training) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (a) on or after July 29, 1945, (b) before that date under circumstances affording entitlement to full military benefits, or (c) at any time, for the purposes of dependency and indemnity compensation for service-connected deaths;
3. full-time duty as a commissioned officer of the National Oceanic and Atmospheric administration or its predecessor organization (a) at any time, for purposes of dependency and indemnity compensation for service-connected deaths, (b) on or after July 29, 1945, or (c) before that date (i) while on transfer to one of the Armed Forces or (ii) while assigned to duty in a military hazard zone in time of war or national emergency or (iii) in the

Philippines on December 7, 1941, and continuously in such islands;

4. service as a cadet at the U.S. Military, Air Force, or Coast Guard Academy or as a midshipman at the U.S. Naval Academy; and
5. authorized travel to or from such service (38 USC § 101(20)).

Ribbons and Medals

By law, the veterans' affairs commissioner, in conjunction with the adjutant general must award a ribbon and medal to wartime veterans who (1) lived in Connecticut or lived here when they were called to active duty and (2) live here at the time of the award. The cost of the medals and ribbons is paid from funds appropriated to the Military Department.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference
Yea 10 Nay 0 (03/04/2008)

Appropriations Committee

Joint Favorable Substitute
Yea 51 Nay 0 (04/01/2008)